

EXHIBIT D

MT. JULIET POLICE DEPARTMENT

Incident After Action Report

1. Case #

22027756

2. Name of Incident Crossing Circle Protest Command	3. Operational Period 07/26/2022 – 07/29/2022	Date and Time 0700-1400
4. Type of Incident Protest security	5. Incident Commander's Name and Pin # Deputy Chief Mullins 6777	
6. Location of Incident 5002 Crossing Circle		
7. Communications Channel Used Opts 1	8. Transfer of Command Date and Time	N/A

9. Statement of Facts:

Thursday, July 21, 2022

On July 21, 2022, Deputy Chief Mullins met with leadership members of Operation Save America (OSA), regarding an upcoming planned event that would include protest at locations in Mt. Juliet. At this meeting, Deputy Chief Mullins met with leadership members Chet Gallagher and Bo Linam. Discussions were had that the following week, Operation Save America (OSA) would be having their National Conference in the area. Operations Save America's goal is to stop abortions in America. As such, one location that they planned to protest was at Carafem Health Center at 5002 Crossing Circle. Deputy Chief advised both Mr. Gallagher and Mr. Linam that they were to stay off the property of 5002 Crossing Circle and to stay out of the roadway when passing out literature. They stated that they understood and would pass the information along to senior leadership. Additionally, they informed Deputy Chief Mullins of a counterprotesting organization named "Jezebel's Rebellion". They stated that they expected the "jezebels" to attend on the 26th. They went on to say that instructions are passed on each night at their evening meeting, and he was welcome to attend to hear instructions and plans for the next day. Deputy Chief Mullins and Lt. Cothron, did attend the evening meeting on July 25th in Smyrna Tennessee. Both Deputy Chief Mullins and Lt. Cothron spoke with many members of the leadership to verify that expectations were understood, but both left prior to service beginning.

Operation Save America, or its members, have protested at 5002 Crossing Circle on two previous occasions over the last couple of years. On one occasion, members entered the building and conducted what Operation Save America refers to as a "rescue," which is a sit-in type of protest, in the hallway to Carafem, blocking or obstructing the entrance to the facility in hopes of deterring expecting females from obtaining abortion procedures. This resulted in multiple people who were arrested for trespassing. The second occasion was a protest along the sidewalks and right-of-way along Crossing Circle and Mt. Juliet Rd. This incident resulted in only verbal warnings for members who were attempting to pass out literature and stepping into the roadway while doing so. Due to the potential for another "rescue," the decision was made to have a hidden presence on July 26, 2022, as this was the published date that OSA had dedicated to being at the Mt. Juliet location. OSA Leadership did state, at the meeting on July 21, that there were not any plans for a "rescue" at that time; however, plans could change and with people from all over the country, individuals may act on their own.

Tuesday, July 26, 2022

On the morning of July 26, 2022, Deputy Chief Mullins, along with multiple MJPD officers, met in the rear parking lot of Residence Inn located adjacent to 5002 Crossing Circle at 0700. The plan was to remain out of sight unless the protest became unlawful or if members of OSA attempted to enter the building at 5002 Crossing Circle. Deputy Chief had spoken earlier with property management representative, Karyl (Jenny) Pinckley, and she had verbally informed Deputy Chief Mullins that building management did not want members of Operation Save America entering the building. She also provided an empty office space, room 310, for MJPD Command.

At approximately 0813 on July 26, 2022, members of OSA began arriving and unloading signs and dispersing protest participants. Four minutes after OSA arrival, the first members of Jezebel's Rebellion arrived. Shortly

thereafter, Deputy Chief Mullins went down and introduced himself to leadership from both organizations, and he restated the expectations of a lawful, peaceful protest. Both organizations were informed that MJPD officers were present, but officers had no intentions of intervening unless actions became unlawful. Further, Deputy Chief Mullins provided his contact information to both organizations. Chet Gallagher was dedicated as the point of contact for OSA, and Kim Gibson was dedicated as the point of contact for Jezebel's Rebellion. Deputy Chief Mullins would later call both organizations to verify that both organizations were "ok" and having no issues but received no response from either. Kim Gibson eventually called back and stated all was fine at the time. At approximately 1037, a large group of OSA participants began to move toward Mt. Juliet Rd. Intersections to pass out literature as planned in their schedule. As a result, most MJPD resources were also moved to Mt. Juliet Rd to monitor and ensure no one was stepping into the roadway. This left members of OSA leadership and the Jezebels at the Crossing Circle location.

At 1046, members of OSA leadership began approaching the building located at 5002 Crossing Circle. Deputy Chief and other members of MJPD then began to respond to the front door. Upon seeing the approach, Deputy Chief immediately contacted Mr. Gallagher regarding the movement. Mr. Gallagher stated that they were not coming into the building and wanted Deputy Chief Mullins to meet them at the door. Also, while responding, Ms. Gibson contacted Deputy Chief Mullins regarding the approach, and she was also told officers were responding. Upon arriving at the door, OSA President Mr. Jason Storm informed Deputy Chief that they had evidence that Carafem was illegally conducting abortions at that address, and they wanted law enforcement to immediately issue a cease and desist to Carafem. Deputy Chief Mullins stated that he was unaware of any illegal activities at Carafem Health, but he would investigate it and get back to them. He then ordered them to leave the property. Leadership then left the property. The group of OSA leadership who approached the building was approximately 10-20 men, and they all stopped at the front door of the building. Although they covered a large portion of the entrance and presented an obstacle to entering, a video uploaded to social media and captured by MJPD showed other patrons coming and going freely from the building with no obstruction.

After speaking with the OSA members who approached the building to speak with him, Deputy Chief Mullins then responded upstairs to Carafem and spoke with members of their security team and office management. Deputy Chief Mullins informed the office manager the claims made by Mr. Storm and asked if they were doing anything unlawful, and the office manager stated they were not. The conversation continued regarding OSA's claims to which the office manager stated that the abortion trigger law had not went into effect and began to explain her understanding of the trigger law, which the official judgement is what begins the clock on the trigger law and that had not occurred at that time. She asked if Deputy Chief Mullins had a different understanding, to which he replied he does not know the answer and is waiting on a response from the District Attorney General for his guidance on the law. Deputy Chief Mullins then explained that OSA had requested to report the incident, and Carafem then requested to file their own counter claim regarding slanderous claims of OSA, to which Deputy Chief Mullins agreed. Upon returning to OSA leadership, Deputy Chief Mullins informed them that he had spoken with Carafem and has reached out to the District Attorney General for guidance. At that time, Jason Storm as well as another unknown member of OSA's leadership, made a statement that they had the men that were willing to go in and stop the killing of children, if needed, but they hoped that law enforcement would handle it instead. Immediately, Deputy Chief Mullins informed them that any unlawful act by any party, including theirs, would be handled accordingly. At that time, Deputy Chief Mullins had officers respond to take reports from both OSA and Carafem representatives. When the officer met with Carafem representatives, they decided to not have anything reported at the time. Deputy Chief Mullins also instructed officers to contact building management to complete a report to document the trespass orders that have been given.

While waiting for a response from District Attorney Lawson, Deputy Mullins was approached by legal counsel, representing Carafem from the American Civil Liberties Union, Miss Stella Yarbrough. Miss Yarbrough provided additional materials regarding the trigger law. During this encounter, District Attorney Lawson called and advised that he would reach out to the State Attorney General for his opinion on the situation. Miss Yarbrough, including a member of Carafem's security team, was advised of the vague threats that OSA had made regarding entering the building. At that time no report was requested. At 1317, after all OSA members had left the scene area, Command was terminated, and all MJPD personnel was relieved from the scene. The decision was also made, due to the comments made by OSA, that MJPD would need to maintain a presence for the remainder of the week at the 5002 Crossing Circle location. Shortly after Command was terminated, District Attorney Lawson called to confirm that

the trigger law was not in effect, and Carafem could lawfully conduct abortions in the office. OSA leadership was then contacted and advised that Carafem was not in violation of any law and was conducting business lawfully, and the actions filed in their report were lawfully conducted. Mr. Storm stated that he understood. At 1530, Deputy Chief Mullins and other members of the Command Staff conducted a debrief of officers involved that day and the plan going forward for the week.

Later that night, shortly before 1800, Deputy Chief received a call from Mr. Chet Gallagher. Mr. Gallagher stated that OSA was planning on attending the Mt. Juliet location in some part each day for the remainder of the week. I asked Mr. Gallagher, regarding the comments made about going into the building, and he stated that a "rescue" would be likely between July 28th and Aug. 25th (the day the trigger law was now set to go into effect). He stated that they would never harm anyone, and their intent was to prevent harm. Deputy Chief Mullins, again, warned him regarding the trespass.

The department did receive media inquiries regarding today's events, which was relayed to Deputy Chief Mullins from Captain Chandler. Media asked Captain Chandler if Carafem was "padlocked", if protestors blocked the access to the building, and if protestors were inside the building. Deputy Chief Mullins confirmed with Captain Chandler that no one "padlocked" Carafem, that access to the building was not blocked, and that protestors never attempted to enter the building.

Wednesday, July 27, 2022

On Wednesday, July 27, 2022, Deputy Chief Mullins, along with personnel from MJPd conducted a briefing at 0700 behind Residence Inn. The plan for the day was discussed, including the response if entry is made into the building. Members of both OSA and Jezebel's rebellion arrived approximately 0830-0900. At 0945, a small group of OSA members left the 5002 Crossing Circle and went towards Providence Market Place to hand out literature. No incidents were encountered. Deputy Chief Mullins did maintain a dialogue between OSA, Jezebel's, and the Carafem security team throughout the day. Command and MJPd presence were terminated at 1100, which was after all protest members left the area. No debriefing was conducted. Text messages from OSA leaders, Lukis Childress and Chet Gallagher, were received just before and after 2300 that night stating that OSA would be attending both Carafem in Mt. Juliet and Planned Parenthood in Nashville.

Thursday, July 28, 2022

On Thursday, July 28, 2022., Deputy Chief Mullins along with personnel from MJPd conducted a briefing at 0700 behind Residence Inn. The plan for the day was discussed, including the response if entry is made into the building. Members of OSA began to show up shortly after 0800. At approximately 1123, Deputy Chief Mullins received a text message from a neighboring office, on the 2nd floor of the building, requesting him to come to that floor. Upon arrival on the second floor, Deputy Chief Mullins found three subjects engaged in a very loud conversation with building security in the building hallway outside of the entrance to Carafem. These three individuals had not been seen at any of the previous day's events involving OSA. Deputy Chief Mullins intervened as the security guard was not able to gain control of the situation. Once the security guard stated he wanted them to leave, Deputy Chief Mullins gave the order for them to leave and proceeded to walk them out of the building with the presence of other MJPd personnel. All three individual followed orders to leave, although they left very loudly. All three individuals were escorted off the property and given a trespass warning (MJPd Incident number 22028073). Once off the property, all three left the area and departed towards Davidson County. A short time later, relayed from Carafem Security, Deputy Chief Mullins was informed that all three were arrested at the Planned Parenthood location in Nashville where Planned Parenthood was the private prosecutor on all three for trespassing. At 1211, all protestors left the scene area and Command was terminated. Deputy Chief Mullins spoke with a member of the Carafem security team that stated all three individuals from today's 11:23 incident are known to them and are affiliated with OSA. Deputy Chief Mullins requested any additional information linking them to OSA to be included in the trespass report and with the after-action report. Additionally, Facebook live video, streamed by one of the three individuals involved, was obtained, and secured. In this video, prior to arrival of any security or law enforcement officer, the individuals are recorded making threats directly at Carafem and a general threat for the entire building. Due to these threats, the video was shared with Agent Mark Shafer with the FBI and District Attorney Lawson for review for them to determine if any criminal charges were to be pursued. Currently, both are still reviewing.

Friday, July 29, 2022

On Friday, July 29, 2022, Deputy Chief Mullins along with personnel from the MJPd conducted a briefing at 0700 behind the Residence Inn. The plan for the day was discussed and the events of the previous day were also discussed. Additional plans were discussed if known and unknown trespassers enter the building. Command was established at approximately 0800 with only a single protestor present, who was not believed to be associated with OSA. At 0900, no additional protestors had arrived, and information showed that they were present at the Nashville location, so Command was terminated. Deputy Chief Mullins checked in with building security representative, Kyle Byrd, and advised him that MJPd is leaving the location; however, if protestors show up to contact him and we would respond. At 1049, Security Officer Byrd contacted Deputy Chief Mullins and stated protestors were arriving. By 1100, MJPd was back on the scene and Command was established. No incidents occurred, and all protestors left the scene by 1300. Command was terminated shortly thereafter.

Following the day's events, it ended this Command Event as Carafem was going to be closed on July 30, 2022, and the OSA event also ended on July 30, 2022.

10. Weather Conditions (check all applicable boxes)

☒ Clear ☒ Cloudy ☐ Fog ☒ Rain ☐ Severe Crosswind ☐ Sleet / Hail ☐ Snow ☒ Other Varied by day

11. Officer Safety Concerns

Unknown individual and many OSA members are known to be armed.

12. Department Elements Used (check all applicable boxes)

☐ K-9 ☐ Bomb Disposal ☐ Homicide ☒ Intelligence ☐ Sex Abuse ☐ Traffic ☐ Aviation
☐ Counseling Services ☐ Identification ☐ Negotiation ☐ S.W.A.T. ☐ Youth Services ☒ Other multiple officers

☐ Public Information Officer ☒ Legal Advisor's Office

13. Outside Agencies Involved ☐ OEM ☐ TEMA ☐ FEMA ☐ THP ☐ WEMA Other ☒ FDMJ

14. Problems Encountered

The unknown individuals associated with OSA and other protestors. Confusion regarding the abortion trigger law was the main problem encountered. Public building and unable to identify who has lawful business in the building was also a problem.

15. Critique

Confusion regarding the trigger law should have been clarified prior to the event. However, it was the belief of most law enforcement involved, that the trigger law was already in effect. Verification of information still needed to be obtained.

16. Attachments (attach copies of all generated MJPd reports as a result of this incident)**17. Report Prepared By
(Print)**

DC Michael Mullins

Assignment

OIC

Employee Pin # Number
6777**Date & Time Prepared**

08/02/2022

18. Report Approved By (Sign)**Assignment****Employee Pin # Number**

2473

Date & Time

08/03/2022

MJPd Form, Incident After Action Report shall be completed by the incident Commander and/or His/Her Designee on all established incident commands. After completing the form, the incident commander shall forward the original to the Patrol Commander for review. Patrol commander will then forward copies through the chain of command.